

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM PLUMMER,

1: CASE NO. 04 CV-6770 AWI DLB P

Plaintiff,

ORDER DENYING RELIEF
[Doc. 44]

vs.

WARDEN EDWARD CADEN, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. On February 21, 2006, plaintiff filed a document entitled, "Motion to file Additional Pleadings for 42 U.S.C. § 1997e(a) on doc. 16." In the motion, it appears that plaintiff seeks the production of his CDCR Trust Account Withdrawal Orders to supplement his March 18, 2005 filing wherein he explains difficulty he is having obtaining his trust account statement.

In light of the Court's February 1, 2006 Order granting plaintiff's application to proceed in forma pauperis, it appears that plaintiff's request is moot. To the extent, plaintiff seeks the trust account statement as evidence to support his claims, such a discovery request should not be filed with the Court. The discovery phase of this litigation is not yet open. Plaintiff is directed to paragraph eight of the court's First Informational Order, filed February 1, 2006. In that order, plaintiff was specifically informed that he may not conduct discovery until defendants file an answer and the court issues the discovery order.

In addition, once discovery is open, court permission is not necessary for discovery requests.

1 Discovery is self-executing until such time as a party becomes dissatisfied with a response and seeks
2 relief from the court pursuant to the Federal Rules of Civil Procedure. Interrogatories, requests for
3 admissions, requests for production of documents, and responses thereto shall not be filed with the court
4 until there is a proceeding in which the document or proof of service is at issue. Such documents are
5 to be served on the opposing party, and not with the court. Discovery requests improperly filed with the
6 court shall be stricken from the record.

7 Accordingly, plaintiff's motion to file additional pleadings is HEREBY DENIED.

8 IT IS SO ORDERED.

9 **Dated: September 6, 2006**
10 3b142a

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE